UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,723	05/02/2001	Jeffrey V. Johnson	MS1-908US	8416

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EXAMINER
BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/848,723	JOHNSON ET AL.
Office Action Summary	Examiner	Art Unit	
	Djenane M Bayard	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 May 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-78</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-78</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some *   c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-23, 28-36, 41-50, 54-59, 60-61,65-75 are rejected under 35 U.S.C. 102(e) as

being anticipated by the International Application Published under the Patent corporation Treaty

(PCT) to Arthur et al.

1.   As per claim 1, Arthur et al teaches a system, comprising: a first device configured to

provide data to a destination device (See page 6, lines 25), the data including tracking

information (See page 7, lines 17-18); a second device configured to receive the tracking

information from the destination device when the data is provided to the destination device (See

page 6, lines 25) ; and a database configured to maintain the tracking information and associate

the tracking information with the destination device (See page 10, lines 12).

2.   As per claim 14, Arthur et al teaches a first device configured to receive a request for data

from a requesting device, the request including tracking information relating to the request for

data (See page 3, lines 28-32); a database configured to maintain the tracking information and

associate the tracking information with the requesting device (See page 11, lines 21-32); and a

second device configured to receive the request for data from the first device, and provide the

data to the requesting device(See page 10, lines 12).

3.   As per claim 29, Arthur et al teaches a tracking component configured to receive a

request for content from a requesting device, the request for content including request-tracking

information relating to the request for content (See page 3, lines 28-32); a content provider

configured to receive the request for content from the tracking component, and provide the

content to the requesting device, the content including content-tracking information relating to

providing the content (See page 6, lines 25); the tracking component further configured to

receive the content-tracking information from the requesting device when the content is provided

to the requesting device; maintain the request-tracking information and the content-tracking

information; and associate the request-tracking information and the content-tracking information

with the requesting device (See page 14, lines 18-21).

4.   As per claim 42, Arthur et al teaches an application component configured to: receive a

request for content, the request including request-tracking information communicate the request

for content to a content provider that provides the content to a destination device, the content

including content-tracking information (See page 4, lines 6-25); receive the content-tracking

information from the destination device when the content is provided to the destination device

(See page 15, lines 1-19); and a database configured to maintain the request-tracking information

and the content-tracking information, and further configured to associate the request-tracking

information and the content-tracking information with the destination device (See . page 14, lines 27-34).

5.   As per claim 55, Arthur et al teaches receiving a request for content, the request including request-tracking information relating to the request for content (See page 4, lines 6-25); communicating the request for content to a content provider that provides the content to a destination device, the content including content-tracking information relating to providing the content (See page 15, lines 1-19); receiving the content-tracking information from the destination device; and storing the request-tracking information and the content-tracking information (See . page 14, lines 27-34).

6.   AS per claim 67, Arthur et al teaches one or more computer-readable media comprising computer-executable instructions that, when executed, direct a computing system to perform a method comprising: providing data to a destination device (See page 4, lines 6-25), the data including tracking information; receiving the tracking information from the destination device when the data is rendered at the destination device (See page 15, lines 1-19; storing the tracking information; and associating the tracking information with the destination device (See . page 14, lines 27-34).

7.   As per claim 72, Arthur et al teaches one or more computer-readable media comprising computer-executable instructions that, when executed, direct a computing system to perform a method comprising: receiving a request for data from a requesting device, the request including

tracking information (See page 3, lines 28-35); storing the tracking information; associating the

tracking information with the requesting device; and communicating the request for data to a

data provider (See page 10, lines 12).

8.   As per claims 2, 16 and 30, Arthur et al teaches a system wherein the first and second

devices are the same device (See page 12, lines 5-25).

9.   As per claims 3 and 17, Arthur et al teaches wherein the database is further configured to

associate the tracking information with a user of the destination device (See page 10, lines 3-14).

10.   As per claims 4 and 32, Arthur et al teaches wherein the second device receives the

tracking information from the destination device after the data is rendered at the destination

device (See page 14, lines 1-15)

11.   As per claim 5, Arthur et al teaches wherein the tracking information includes a

designation of the second device, such that the tracking information is communicated to the

second device based upon the designation (See page 12, lines 13-15)

12.   As per claim 6, Arthur et al teaches wherein the tracking information identifies the first

device as a provider of the data (See page 14, lines 18-21).

13.   As per claim 7, Arthur et al teaches wherein the tracking information identifies the

destination device (See page 14, lines 18-19).

14.   As per claim 8, Arthur et al teaches wherein a destination device identifier is included as
part of the tracking information when the data is provided to the destination device (See page 13,
lines 15-20).

15.   As per claims 9 and 21, Arthur et al teaches wherein the tracking information identifies
the data (See page 15, lines 1-19).

16.   As per claims 10,22,46 and 49, Arthur et al teaches wherein the tracking information is a
uniform resource locator (See page 13, lines 15-20).

17.   As per claims 11,23,34,47,50,69 and 74, Arthur et al teaches wherein the tracking
information is included as part of a uniform resource locator that designates the second device,
identifies the first device as a provider of the data, identifies the destination device, and identifies
the data (See page 15, lines 1-19).

18.   As per claim 12, Arthur et al teaches wherein: the second device is further configured to
receive a request for additional data from the destination device, the request including request-
tracking information; the database is further configured to maintain the request-tracking
information and associate the request-tracking information with the destination device (See page
7, lines 17-18); and the first device is further configured to receive the request for the additional

data from the second device, and provide the additional data to the destination device (See page 10, lines 12).

19.   As per claim 13, 28 and 41, Arthur et al et al teaches a computing device comprising the system as recited in claim 1 (See page 4).

20.   As per claim 15, Arthur et al teaches wherein the request further includes a data provider designation that designates the second device (see page 9).

21.   As per claim 18, Arthur et al teaches wherein the request designates the second device as a provider of the data, and wherein the tracking information includes a designation of the first device, such that the request is first communicated to the first device based upon the designation (See page 14).

22.   As per claim 19, Arthur et al teaches wherein the tracking information identifies the second device as a provider of the data (See page 13).

23.   As per claim 20, Arthur et al teaches wherein the tracking information identifies the requesting device as a destination of the data (See page 13).

24.   As per claim 31, Arthur et al teaches wherein the tracking component is further configured to associate the request-tracking information and the content-tracking information

with a user of the requesting device (See page 10, lines 3-14).

25.   As per claim 33, Arthur et al teaches wherein a requesting device identifier is included as part of the content-tracking information when the content is provided to the requesting device (See page 4, lines 4-6).

26.   As per claim 35, Arthur et al teaches wherein the request designates the content provider as a provider of the content, and wherein the request-tracking information includes a designation of the tracking component, such that the request is first communicated to the tracking component based upon the designation (See page 13, lines 15-20).

27.   As per claim 36, Arthur et al teaches wherein the request-tracking information is included as part of a uniform resource locator that designates the tracking component to first receive the request for content, identifies the content provider, identifies the requesting device, and identifies the content (See page 15, lines 1-19).

28.   As per claim 43, Arthur et al teaches wherein the database is further configured to associate the request-tracking information and the content-tracking information with a user of the destination device (See page 14).

29.   As per claim 44, Arthur et al teaches wherein the application component receives the content-tracking information from the destination device after the content is rendered at the

destination device (See page 14).

30.   As per claim 45, Arthur et al teaches wherein a destination device identifier is included as part of the content-tracking information when the content is provided to the destination device (See page 13).

31.   As per claim 48, Arthur et al teaches wherein the request designates the content provider as a provider of the content, and wherein the request-tracking information includes a designation of the computing device, such that the request is first communicated to the computing device based upon the designation (See page 15).

32.   As per claim 34, Arthur et al teaches wherein the request for content is generated from a selectable connection within a user interface of an application component at the destination device, and wherein the request-tracking information identifies the selectable connection, the application component that includes the selectable connection, and a location of the selectable connection within the user interface (See page 15).

33.   As per claim 56, Arthur et al teaches associating the request-tracking information and the content-tracking information with the destination device (See page 14).

34.   As per claim 57, Arthur et al teaches associating the request-tracking information and the content-tracking information with a user of the destination device (See page 4).

35.   As per claim 58, Arthur et al teaches wherein the content-tracking information is received after the content has been provided to the destination device (See page 4).

36.   As per claim 59, Arthur et al teaches wherein the content-tracking information is received after the content has been rendered at the destination device (See page 15).

38.   As per claim 60, Arthur et al teaches wherein said storing comprises storing a content provider identifier that identifies the content provider, a destination device identifier that identifies the destination device, and a content identifier that identifies the content (See page 13).

39.   As per claim 61, Arthur et al teaches wherein said storing comprises storing a content provider identifier that identifies the content provider, a destination device identifier that identifies the destination device, a content identifier that identifies the content, and a user identifier that identifies a user of the destination device (See page 13).

40.   As per claim 66, Arthur et al teaches one or more computer-readable media comprising computer executable instructions that, when executed, direct a computing system to perform the method of claim 55 (See page 3).

41.   As per claim 68 and 73, Arthur et al teaches one or more computer-readable media as comprising associating the tracking information with a user of the destination device (See page

13, lines 1-35).

42.   As per claim 70, Arthur et al teaches wherein said storing comprises storing a data

provider identifier that identifies a data provider said providing the data, a destination device

identifier that identifies the destination device, and a data identifier that identifies the data (See

page 14).

43.   As per claim 71, Arthur et al teaches receiving a request for additional data from the

destination device, the request including request-tracking information; storing the request-

tracking information; associating the request-tracking information with the destination device

(See page 10).

44.   As per claim 75, Arthur et al teaches wherein said storing comprises storing a data

provider identifier that identifies the data provider, a requesting device identifier that identifies

the requesting device, and a data identifier that identifies the data (See page 4, lines 4-6).

45.   As per claim 76, Arthur et al teaches determining from the tracking information, a

selectable connection identifier for a selectable connection, a rendered content identifier for

rendered content, and a location identifier for a location, wherein the request for data is

generated from the selectable connection at the identified location within the rendered content at

the requesting device (See page 15).

46.   As per claim 77, Arthur et al teaches determining from the tracking information, a data

link identifier for a data link, a Web page identifier for a Web page, and a location identifier for a

location, wherein the request for data is generated from the data link at the identified location

within the Web page at the requesting device (See page 15).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 24-27, 37-40, 51-53, 62-64, 76-78 are rejected under 35 U.S.C. 103(a) as being

unpatentable over anticipated by the International Application Published under the Patent

Corporation Treaty (PCT) No. WO 02/17205 to Arthur et al in view of U.S. Patent Publication

No 2002/0116494 to Kocol.

1.   As per claims 24, 37, 51, 62 and 76, Arthur et al teaches the claimed invention as

described above. However, Arthur et al fails to teach wherein the request for data is generated

from a selectable data link within rendered content at the requesting device and wherein the

tracking information identifies the selectable data link and the rendered content that includes the selectable data link.

Kocol et al teaches wherein the request for data is generated from a selectable data link within rendered content at the requesting device and wherein the tracking information identifies the selectable data link and the rendered content that includes the selectable data link (See page 2, paragraph [0025])

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the request for data is generated from a selectable data link within rendered content at the requesting device and wherein the tracking information identifies the selectable data link and the rendered content that includes the selectable data link as taught by Kocol et al in the claimed invention of Arthur et al in order to provide link-tracking information (See page 2, paragraph [0025]).

2.   As per claims 25,38,52, 63 and 77, Arthur et al teaches the claimed invention as described above. However, Arthur et al fails to teach wherein the request for data is generated from a selectable data link within rendered content at the requesting device, and wherein the tracking information identifies the selectable data link and a location of the selectable data link within the rendered content.

Kocol et al teaches wherein the request for data is generated from a selectable data link within rendered content at the requesting device, and wherein the tracking information identifies the selectable data link and a location of the selectable data link within the rendered content (See page 2, paragraph [0025]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the request for data is generated from a selectable data link within rendered content at the requesting device, and wherein the tracking information identifies the selectable data link and a location of the selectable data link within the rendered content as taught by Kocol in the claimed invention of Arthur et al in order to provide link-tracking information (See page 2, paragraph [0025]).

3.   As per claims 26,39,53, 64 and 78, Arthur et al teaches the claimed invention as described above. However, Arthur et al fails to teach wherein the request for data is generated from a selectable data link within rendered content at the requesting device, and wherein the tracking information identifies the selectable data link, the rendered content that includes the selectable data link, and a location of the selectable data link within the rendered content.

Kocol et al teaches wherein the request for data is generated from a selectable data link within rendered content at the requesting device, and wherein the tracking information identifies the selectable data link, the rendered content that includes the selectable data link, and a location of the selectable data link within the rendered content (See page 2, paragraph [0025]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the request for data is generated from a selectable data link within rendered content at the requesting device, and wherein the tracking information identifies the selectable data link, the rendered content that includes the selectable data link, and a location of the selectable data link within the rendered content as taught by Kocol in the claimed invention of Arthur et al in order to provide link-tracking information (See page 2, paragraph

[0025]).

4.   As per claims 27 and 40, Arthur et al teaches the claimed invention as described above.
However, Arthur et al fails to teach wherein the request for data is generated from a selectable
data link within rendered content at the requesting device; and the tracking information is
included as part of a uniform resource locator that designates the first device to first receive the
request for data, and further identifies the data, the second device as a provider of the data, the
requesting device as a destination of the data, the selectable data link, the rendered content that
includes the selectable data link, and a location of the selectable data link within the rendered
content.

Kocol et al teaches wherein the request for data is generated from a selectable data link
within rendered content at the requesting device; and the tracking information is included as part
of a uniform resource locator that designates the first device to first receive the request for data,
and further identifies the data, the second device as a provider of the data, the requesting device
as a destination of the data, the selectable data link, the rendered content that includes the
selectable data link, and a location of the selectable data link within the rendered content (See
page 5, paragraph [0047-0051]).

It would have been obvious to one with ordinary skill in the art at the time the invention
was made to incorporate wherein the request for data is generated from a selectable data link
within rendered content at the requesting device; and the tracking information is included as part
of a uniform resource locator that designates the first device to first receive the request for data,
and further identifies the data, the second device as a provider of the data, the requesting device

as a destination of the data, the selectable data link, the rendered content that includes the

selectable data link, and a location of the selectable data link within the rendered content as

taught by Kocol et al in the claimed invention of Arthur et al in order to provide link-tracking

information (See page 2, paragraph [0025]
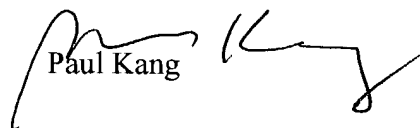
Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Djenane M Bayard whose telephone number is (703) 305-6606.

The examiner can normally be reached on 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard   Paul Kang

Patent Examiner   Primary Patent Examiner